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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200832
Party	Plaintiff Briggs & Stratton Corporation and Kohler Co.
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Signature	/s/ Robert N. Phillips
Date	10/14/2015
Attachments	Opposers' Thirteenth Notice of Reliance.pdf(1257362 bytes)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91200832 (Parent)
Opposition No. 91200146

United States Patent and Trademark Office Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, Virginia 22313-1451

## **OPPOSERS' THIRTEENTH NOTICE OF RELIANCE**

Pursuant to 37 C.F.R. § 2.122 and TBMP § 704.08(b), Opposers Briggs & Stratton

Corporation ("Briggs") and Kohler Co. ("Kohler") (collectively, "Opposers"), by and through their attorneys, hereby submit their Thirteenth Notice of Reliance. Opposers' Thirteenth Notice of Reliance contains the following attached materials:

1. Certain publicly available internet pages regarding the marketing and sale of Honda GX engines with cyclone air cleaners, which are relevant to the abandonment of the applied-for trademark, included as **Exhibit TT.** 

The attached exhibit is marked with sequential page numbers in the upper right corner in the form of [Exhibit Letter – Page Number]. For example, the first page of Exhibit TT is "TT-1" and so forth. Where the upper right corner of a document does not allow for such marking, page numbers will be located along the right hand margin of the document. For briefing purposes, material within this Notice of Reliance will be identified as "O13NOR" (an acronym for Opposers' Thirteenth Notice of Reliance). For example, a reference to the first page of Exhibit TT in the trial brief would be O13NOR TT-1.

Respectfully Submitted,

Dated: October 14, 2015

By: /s/ Robert N. Phillips

Robert N. Phillips Seth B. Herring Reed Smith LLP 101 Second Street

San Francisco, CA 94105

Attorneys for Opposer Briggs & Stratton Corporation

Dated: October 14, 2015

By: /s/ Kenneth Nowakowski

Kenneth Nowakowski Elizabeth Townsend Bridge Melinda Giftos Whyte Hirschboeck Dudek S.C. 535 East Wells Street, Suite 1900 Milwaukee, WI 53202

Attorneys for Opposer Kohler Co.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSERS' THIRTEENTH NOTICE OF RELIANCE was served via first class mail, postage prepaid, this 14th day of October, 2015 upon:

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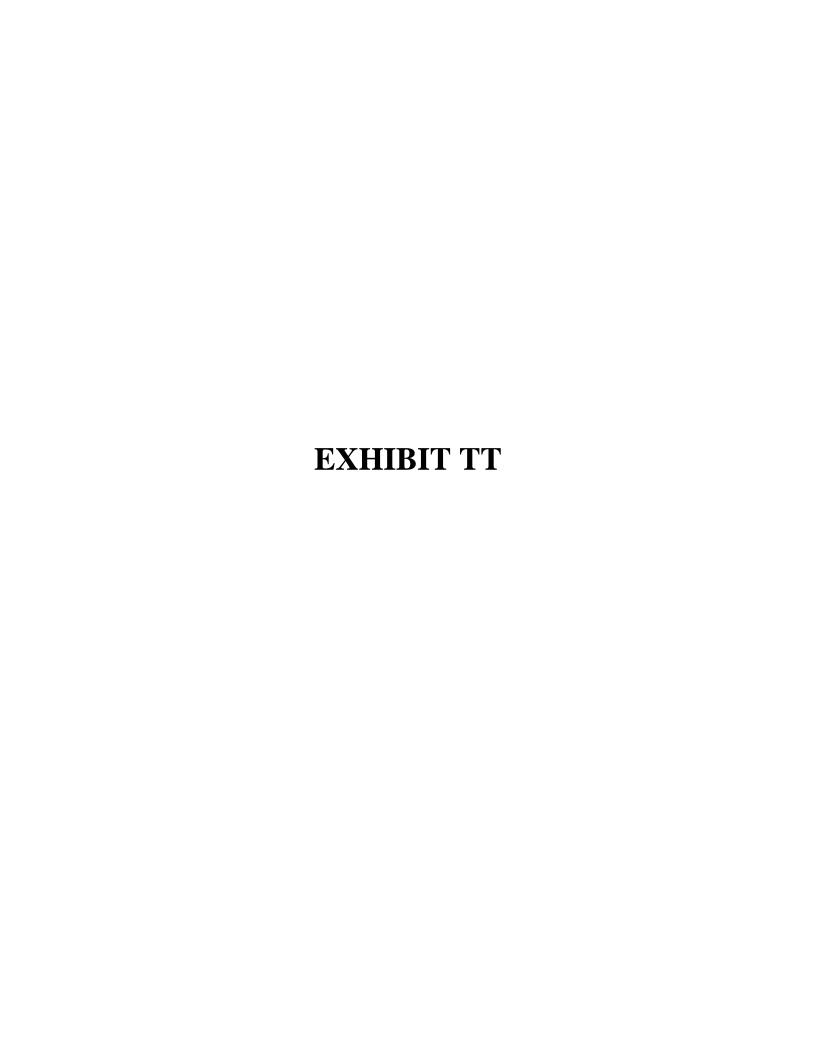
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/s/ Deborah L. Kalahele

Deborah L. Kalahele







# Honda Horizontal OHV Engine with Cyclone Air Cleaner — 163cc, GX Series, 3/4in. x 2 7/16in. Shaft, Model# GX160UT2QXC9

Item# 60597

New — Write a Review

Only \$46999

In Stock Online

Not Available in Stores

Key Specs

Key Specs	
over . <b>Item#</b> image	60597
Manufacturer's Warranty	3 year limited warranty
zoom Ship Weight	40.0 lbs
Engine Displacement (cc)	163
Start Type	Recoil
Application	Pressure washer, compressor, log splitter, chipper/shredder
Engine Type	GX series OHV commercial-duty
Rated Power (HP)	4.8
Torque (ft./lbs.)	7.60 at 2,500 RPM
Shaft Output	Horizontal
Crankshaft	Q-type
Shaft Diameter (in.)	3/4
Shaft Length (in.)	2 7/16
Shaft Keyway (in.)	1/4
Shaft End Tapped (Diameter (in.)/Threads per inch)	5/16–24
Shaft Rotation (From PTO Shaft Side)	Counterclockwise
PTO Height (in.)	4 11/64
Cylinders (qty.)	1
Cylinder Bore	Cast iron
Bore x Stroke (in.)	2.7 x 1.8
Compression Ratio	9:1

Cooling System	Air cooled
Air Cleaner Type	Cyclone
Fuel Tank	Standard (White)
Fuel Type	Gasoline
Fuel Tank Capacity (qt.)	3.3
Fuel Filter	Fuel tank filler neck strainer
Oil Capacity (qt.)	0.59
Lubrication System	Forced splash
Low Oil Shutdown	Yes
Ignition System	Electronic
Governor System	Centrifugal mechanical
Carburetor	Float, inner vent
Throttle Control	Remote (cable)
Choke Control	Manual
Max. RPM	3,600
Muffler Included	Yes, (silent type, spark arrester, deflector)
Auto Compression Release	Yes
Bolt Circle (in.)	3 5/8
Mounting Base L x W (in.)	6 3/8 x 3 5/32 to 3 11/32
Dimensions L x W x H (in.)	12 x 13 3/8 x 12 1/2
EPA/CARB Approval (California Air Resource Board)	Yes

Q + A Terms and Conditions

\*\*A Terms and Committees for Honda Horizontal OHV Engine with Cyclone Air Cleaner — 163cc. GX Series. 3/4in. x 2 7/16in. Shaft. Model# GX160UT2OXC9 for Output Outp

#### **Product Summary**

The Honda 163cc GX Series OHV commercial-grade engine is designed for the most demanding commercial applications. It has set an industry standard for reliability and durability. Overhead Valve design offers cooler, fuel-efficient operation and cast iron cylinder sleeve provides longer service life. The GX is reliable, easy starting and quiet running. Meets EPA and CARB emission levels standards. This legendary engine has earned the reputation as the preferred engine for construction equipment. Common applications include pressure washers, compressors, go-karts, log splitters and chipper/shredders.

#### What's Included

(1) Engine, Model# GX160UT2QXC9

#### Features + Benefits

- Honda 163cc GX OHV air-cooled, 4-stroke, horizontal engine
- · Automatic decompression for easy starting
- Heavy-duty ball bearing supported crankshaft

- Double walled heavy-duty tank with in tank fuel strainer
- 50-state compliant engine



# Accessories Frequently Purchased with this Item

VE RECOM	MEND			
	Fuel Cans			
	Scepter Polyethylene Gas Can — 5-Gallon Capacity, Model# 05096 Item# 26681	In Stock Online	Only \$14.99	QTY 1 Add to Cart
	Replacement Gas Tanks			
3	Honda Replacement Gas Tank — 3.3-Quart Capacity, Model# 17510-ZE1-000UT2TO flem# 109885	In Stock Online	Only \$39.99	Add to Cart
	Small Engine Air Filters			
9	Honda OEM Air Filter.— Model# 17210-ZE1-517	In Stock Online	Only \$15.99	Add to Cart
	Hour Meters + Gauges			
	Digital Hour Meter and Tachometer	In Stock Online	Was \$42.99 <b>Sale \$35.99</b> Save \$7.00	Add to Cart
	Small Engine Maintenance Kits			
	Honda OEM Engine Maintenance Kit — Fits Item#s 6059; 605921, 605913, 60597, 60596, 60591, 60593 & 6067, Model# HONDAKIT3 Item# 701173	In Stock Online	Only \$24.99	QTY 1 Add to Cart
	Misc. Accessories			
C	Drainzit Oll Drain Hose — Model# HON1010C.DRA (tem# 7011545	In Stock Online	Only \$19.99	ατΥ 1 Add to Cart
	Recoil Replacements			
<b>()</b> 1	Oregon Equipment Recoil Starter for Honda Engines – GX110, GX120, GX140 & GX160 Series Item# 706160	In Stock Online	Only \$42.99	Add to Cart
	Spark Plugs			
240	Honda Spark Plug — Model# NGK#BPR6ES	In Stock Online	Only \$3.99	Add to Cart

#### Warranty

#### Manufacturer's Warranty

3 year limited warranty

Extend Your Warranty Coverage with a Service Protection Plan (SPP)

Replacement Plan with Accidental Damage - 1 Year

Manufacturer's Warranty + SPP = Up to 4 Years of Product Protection Including Drops, Falls, Spills, and Collisions

See Plan Benefits

☐ Hide Similarities Engine Displacement (cc)

Start Type

Application









Only \$469.99

Only \$69.99

#### Compare with Most Popular 121cc - 240cc Honda Horizontal Engines

See All 121cc - 240cc Honda Horizontal Engines



Honda Horizontal OHV Engine - 163cc. GX Series, 3/4in. x 2 7/16in. Shaft, Model#

\*\*\* (28)

Item# 6059 In Stock Online

163

Only \$369.99

Recoil Pressure washer, compressor, log splitter.

Honda GX Series Horizontal OHV Engine -196cc, 3/4in. x 2 7/16in. Shaft, Model#

\*\*\*\* (16) Item# 6067

In Stock Online

Pressure washer,

compressor, log splitter

198

Recoil

Only \$389.99

**Currently Viewing** 



Honda Horizontal OHV Engine with Cyclone Air Cleaner - 163cc. GX Series, 3/4in, x 2 7/16in,

(Not Yet Rated - New)

Item# 60597

163

Recoil

In Stock Online

Only \$469.99

Pressure washer, compressor, log splitter. compressor, generator,

Honda Horizontal OHV Engine with Electric Start-163cc, GX Series, 3/4in, x 2 7/16in, Shaft, Model#

食食食食食(1)

Item# 60591 In Stock Online

Only \$539.99

163

Electric w/recoil backup Pressure washer,

Honda Horizontal OHV Engine - 270cc, GX Series, 1in. x 3 31/84in. Shaft, Model#

会会会会会 (7)

Item# 6086 In Stock Online

Only \$589.99

pressure washer.

270 Recoil Chipper, shredder,

Application	Pressure washer, compressor, log splitter, chipper/shredder	Pressure washer, compressor, log splitter	Pressure washer, compressor, log splitter, chipper/shredder	Pressure washer, compressor, generator, water pump	Chipper, shredder, pressure washer, compressor
Engine Type	GX series OHV commercial-duty	GX series OHV commercial-duty	GX series OHV commercial-duty	GX series OHV commercial-duty	GX series OHV commercial-duty
Rated Power (HP)	4.8	29	4.8	4.8	4
Torque (ft./lbs.)	7.60 at 2,500 RPM	9.10 @ 2,500 RPM	7.60 at 2,500 RPM	7.60 at 2,500 RPM	13.50 @ 2,500 RPM
Shaft Output	Horizontal	Horizontal	Horizontal	Horizontal	Horizontal
Crankshaft	Q-type	Q-type	Q-type	Q-type	Q-type
Shaft Diameter (in.)	3/4	3/4	3/4	3/4	1
Shaft Length (in.)	2.7/16	2 7/16	2 7/18	2 7/16	3 31/64
Shaft Keyway (in.)	3/16	4.78mm x 4.78mm x 38mm	1/4	3/16	1/4
Shaft End Tapped (Diameter (in.)/Threads per inch)	5/18-24		5/16-24	5/16-24	7/16–20
Shaft Rotation (From PTO Shaft Side)	Counterclockwise	Counterclockwise	Counterclockwise	Counterclockwise	Counterclockwise
PTO Height (in.)	4 11/64	4 11/64	4 11/84	4 11/64	5 1/4
Bearing Type	Ball	53		44	at .
Cylinders (qty.)	1	1	1	4	110
Cylinder Bore	Cast iron	Cast iron	Cast iron	Cast iron	Cast iron
Bore x Stroke (in.)	2.7 x 1.8	2.7 x 2.1	2.7 x 1.8	2.7 x 1.8	2.9 x 2.3
Compression Ratio	9:1	8.5:1	9:1	9:1	8.5:1
Cooling System	Air cooled	Air cooled	Air cooled	Air cooled	Air cooled
Air Cleaner Type	Dual element	Dual element	Cyclone	Dual element	Dual element
Fuel Tank	Standard (White)	Standard	Standard (White)	Standard (White)	Standard (White)
Fuel Type	Gasoline	Gasoline	Gasoline	Gasoline	Gasoline
Fuel Tank Capacity (qt.)	3.3	3.3	3.3	3.3	5.6
Fuel Filter	*	ie:	Fuel tank filler neck strainer	·	Fuel tank filler neck strainer
Oil Capacity (qt.)	0.61	0.63	0.59	0.61	1.18
Lubrication System	Forced splash	Forced splash	Forced splash	Forced splash	Forced splash
Low Oil Alert		Yes			Yes
Low Oil Shutdown	Yes	Yes	Yes	Yes	Yes
gnition System	Electronic	Electronic	Electronic	Electronic	Electronic
Governor System	Centrifugal mechanical	Centrifugal mechanical	Centrifugal mechanical	Centrifugal mechanical	Centrifugal mechanical
Carburetor	Float, external vent	Float	Float, inner vent	Float, external vent	Float, external vent

Remote (cable)

Remote (wire)

Remote (wire)

Throttle Control

Remote (wire)

Remote (cable)

103500000000000					
Choke Control	Manual	Manual	Manual	Manual	Manual
Max. RPM	3,600	3,600	3,600	3,600	3,800
Charging System Amps	5	8	-T-	1	
Muffler Included	Yes, (standard)	Standard, spark arrester	Yes, (silent type, spark arrester, deflector)	Yes, (standard)	Standard, exhaust pipe protector, spark arrestor, deflector
Auto Compression Release	Yes	Yes	Yes	Yes	Yes
Bolt Circle (in.)	3.5/8	3 5/8	3 5/8	3 5/8	5, 6 1/2
Mounting Base L x W (in.)	6 3/8 x 3 5/32 to 3 11/32	6 3/8 x 3 5/32 to 3 11/32	6 3/8 x 3 5/32 to 3 11/32	6 3/8 x 3 5/32 to 3 11/32	7 11/16 x 3 3/18 to 3 11/19
Dimensions L x W x H (in.)	12 x 13 3/8 x 12 1/2	12 5/8 x 14 13/18 x 13 3/16	12 x 13 3/8 x 12 1/2	12 x 13 3/8 x 12 1/2	15 x 16 7/8 x 16 1/8
EPA/CARB Approval (California Air Resource Board)	Yes	Yes	Yes	Yes	Yes

See All 121cc - 240cc Honda Horizontal Engines

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